REMARKS

Overview

Claims 1-41 are pending. Applicant gratefully acknowledges the finding that Applicant's prior responses resulted in the withdrawal of the prior rejections against the claims. However, new rejections have been entered. The present response is an earnest effort to place all claims in proper form for immediate allowance. Reconsideration and passage to issuance is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 101

Claims 16-20 and 35-41 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Reconsideration of this rejection is respectfully requested as independent claim 16 specifically includes the terms "system", "digital media" and "information processing device". Each of these things is concrete, tangible, useful, a machine, or otherwise statutory subject matter. It is respectfully submitted such terminology is as effective to overcome a § 101 rejection as using the term computer processor.

Rejections Under 35 U.S.C. § 102

Claims 1-4, 7-11, 14, 16, 19, 21-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Farley et al., U.S. Patent No. 5,257,185 ("Farley").

The § 102 rejection is respectfully traversed. To present a *prima facie* case of anticipation, Farley must substantially identically disclose all material limitations of Applicants' claims, in the order and arrangement of the claims. Farley fails this.

As set forth in Applicant's prior responses, which are incorporated by reference herein, Applicant's claims relate to aspects of helping someone learn the content of a subject. One example would be procedures and regulations regarding use of purchase card by authorized employees of a company on behalf of the company.

One way to learn the content is to have the employee read the policies, procedures or regulations. As with any subject to be learned, the risk is that the employee does not adequately understand descriptions in that written procedure or regulation. A live teacher could be used to solve this. But such would be extremely resource intensive, especially if the teacher was interacting one-to-one with many employees. An alternative would be one live teacher for a group of employees. The risk is there would be insufficient time or ability to make sure each employee was adequately understanding the subject matter.

An alternative would be computerized learning. Mere display of the written procedures or regulations has the same infirmities as the employee trying to read and understand a hard copy. Thus, computer training developed which tried to add assistance to the person trying to learn the content of the subject. This might require some independent content to be created over and above the written regulations being learned but could help at least some of the employees better understand the content of the regulations.

A risk with that procedure is that some employees may learn better using different supplemental techniques than others. If there is only one set of supplemental content to help learn, it may not be satisfactory across large numbers of employees.

Thus, Applicant's claims relate to a novel way of providing additional instructional options to someone trying to learn instructional information regarding a subject. As described in Applicant's prior responses, which are incorporated by reference herein, one aspect of the

disclosed invention is to make available a section of the instructional information to be learned to the user via a program or system while also making available the additional instructional options related to that section. Furthermore, Applicant's independent claims 1, 11, 16, all include limitations about those additional instructional options. Importantly, those options are "in at least first and second levels of sophistication", or "user-selectable", and "at any time and in any order". The claims also explicitly allow "concurrent presentation with the instructional information". Farley does not have this.

A significant point is that (a) there is a section of information to be learned <u>and</u> (b) prior to presentation of that section to the student there are additional instructional options with those limitations prepared and available to the student. A general analogy is that there are two virtual tutors ready to respond to a student about the same passage or section of information to be learned, and those two virtual tutors are prepared to relate additional instructional information about that section at different sophistication levels.

To help learn, the student can select one level of sophistication. If that is sufficient, the student can go on. If not, the student can access a different level of sophistication regarding the same content. Alternatively, the student can just read the content and may not require either level of sophistication of additional instructional options.

That paridym is not identically disclosed in Farley. In contrast, Farley discloses essentially what could be considered a combination of a knowledge base and an expert system. Farley's disclosure describes a knowledge base being filled up with informational units that are related to certain topics and subtopics. See Farley, Figure 4, for the knowledge base structure. It is a relational database such that there is also pre-coded cross-referencing between information units. There is also a hierarchical index of the topics and subtopics.

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Once created, the Farley system allows the ability to browse through any and all of the knowledge base. This would be either random or user selected browsing based on what might be of interest at that particular time. There is no preset instructional information to be learned presented to the user as the predicate. Rather, the user knows there is a substantial knowledge base that is out there that is indexed relative to a number of topics and can go in, find a topic of interest at the moment, and look at what information is in the knowledge base about it.

Farley discloses another function. It calls it the "Challenger". Importantly, however, it is tied into the knowledge base. It describes itself as presenting questions to a user that would help the user find information in the knowledge base that could help it to solve problems. Again, there is no content the user is supposed to be learning that is in the context of an instructional program as the predicate.

Farley presents a knowledge base index by topic. Examples in Farley include a knowledge base related to a number of a company's product offerings. The knowledge base could include information such as pictures and specifications of the products, internal company pricing about the product, upcoming promotional offers about the product, or the like. In other words, the knowledge base consolidates a number of different disparate pieces of information related to each of the products in a way that is easily searchable. A user can then select a product and select which of those pieces of information that have been consolidated about the product of interest to that user at that time.

Another example given in Farley is helping a consumer make decisions about a health care plan. The user selects one of the topics in the knowledge base. The user can use the "Challenger" function to have questions presented that might lead the user to find out which pieces of information that have been consolidated about a specific plan would be of interest to

the customer. Farley does include a function of allowing the user to force the program to ask additional questions of the user if the user feels they don't understand one of the questions. But it is all geared towards helping the user identify which of the pieces of consolidated information on a subject would be of interest.

Farley is not a presentation of subject matter to be learned with the concurrent availability of virtual tutors of different sophistication ready to assist learning the subject matter section at hand.

Therefore, Farley does not prima facie disclose Applicants' claims and Applicants independent claims 1, 11, and 16 are submitted to be allowable over this rejection.

Claims 2-4, 7-10, 14, 19, and 21-41 are dependent on one of said independent claims and submitted to be allowable for the same reasons.

Additionally, many of the dependent claims have clear independent bases for allowability over Farley. For example, examples of different levels of sophistication in Applicants' claims 2-10, 12-15, and 17-23 are not seen in Farley. The remaining dependent claims have limitations that are not seen in Farley in combination with the independent claim limitations.

Rejections Under 35 U.S.C. § 103

Claims 5-6, 12-13, 15, 17, 18 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Farley et al., U.S. Patent No. 5,257,185 ("Farley"), in view of Cook et al., U.S. Patent No. 5,727,950 ("Cook").

These claims are dependent from one of Applicants' independent claims and submitted to be allowable for the reasons expressed in support of the independent claims. Cook does not fill the gaps missing, so to speak, from the teaching of Farley (as discussed above). Note that Cook

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teaches "one or more agents executable on said one or more computers, each set agent is associated with exactly one of said students and each said student is associated with that exactly one of said agents". Cook automatically acts (compare Applicant's claims allowing the student act). Thus, this explicitly differs from Applicants' independent claims which provide two different levels of sophistication available at any time and in any order to the student at the student's choosing.

Therefore, it is respectfully submitted these claims are allowable over the combination of Farley and Cook.
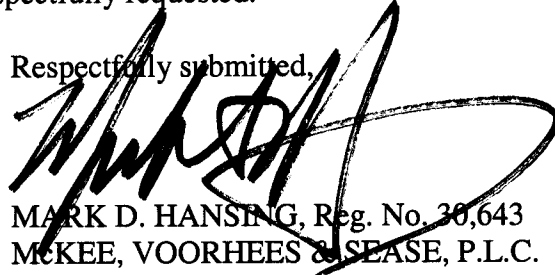

Conclusion

It is submitted all matters pending in Actions by the USPTO have been addressed and remedied and that the application is in form for allowance. Reconsideration is respectfully requested.

This is a request to extend the period for filing a response in the above-identified application for three months from July 9, 2010 to October 9, 2010. Applicant is a small entity; therefore, please charge Deposit Account No. 26-0084 in the amount of $555.00 to cover the cost of the three month extension.

No other fees or extensions of time are believed to be due in connection with this response; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,

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